

REMARKS

Reexamination and reconsideration of the pending claims are respectfully requested. With this reply, claims 1 and 2 are hereby canceled without prejudice or disclaimer, claims 9-11 are hereby amended, and new claims 19-25 are hereby added. Claims 3-8 and 12-18 were previously withdrawn from consideration as reciting a non-elected invention. Accordingly, claims 9-11 and 19-25 are pending for consideration in this application.

No new matter has been added with this amendment. New claims 19-25 are supported by Figures 1-5 of Applicants drawings and by the associated text of Applicants' disclosure.

Claims 1, 2, 10, and 11 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,192,317 to Nakagawa et al. ("Nakagawa"). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa in view of U.S. Patent No. 6,068,523 to Takahashi ("Takahashi"). These grounds of rejection are respectfully traversed.

The instant application is a National Stage entry of International Application PCT/JP2004/003764, which designates the United States, and which was filed on March 19, 2004. Accordingly, the effective filing date for the instant application is March 19, 2004.

On the other hand, the Nakagawa patent issued on March 20, 2007 from an application filed on April 26, 2006. As the effective filing date for the instant application predates both the filing date and the issue date for the Nakagawa patent, the Nakagawa patent is not available as prior art against the claims of the instant application under 35 U.S.C. § 102.

Applicants respectfully request withdrawal of the rejection of claims 1, 2, 10, and 11 for anticipation. Withdrawal of the rejection is appropriate because the Office's rejection for anticipation relies solely on Nakagawa which, as discussed above, is not available as prior art against the present application.

Applicants additionally request that the rejection of claim 9 as being unpatentable in view of Nakagawa and Takahashi be withdrawn. The Office's rejection of claim 9 under 35 U.S.C. § 103(a) relies on Nakagawa for disclosure of features recited by claim 9.¹ As discussed above, Nakagawa is not applicable as prior art against the instant application. Accordingly, the Office Action does not provide a *prima facie* case of obviousness of claim 9.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

¹ Page 4, ¶6.

please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 056208.58072US).

Respectfully submitted,

September 28, 2009



James F. McKeown
Registration No. 25,406

Isaac R. Clark
Registration No. 54,572

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JFM/IRC